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February 9, 2023

Via ECF and Email

Honorable Cecelia G. Morris
United States Bankruptcy Judge
United States Courthouse, S.D.N.Y.
300 Quarropas Street
White Plains, New York 10601

**RE: *In re Gerald Dennis*
SDNY Chapter 13 Case No: 22-22936(CGM)
FRBP 2004 Application and Order (ECF Nos. 14 and 15)**

Dear Honorable Judge Morris,

This firm represents Board of Managers of The Tower Club Condominium at Westchester (the "Condo Board"), creditor and party in interest in the above referenced Chapter 13 proceeding.

I am writing to correct a misstatement I made to your Honor in connection with the Condo Board's request for entry of an Order pursuant to FRBP 2004 permitting examinations. By email dated February 3, 2023, I stated that I had followed up with Debtor's counsel on whether the Debtor would consent to a FRBP 2004 examination. On February 6, 2023, it was brought to my attention that the email I had drafted to Mr. Gjertsen was not transmitted, and was instead in my "outbox." Before I had an opportunity to advise the Court of my oversight, the FRBP 2004 Order was entered on the case docket. I have held service of the subpoenas in abeyance since entry of the Order so that I could engage in discussions with Debtor's counsel regarding consensual document production. However, the Debtor has only agreed to provide 2 years' tax returns and social security statement, which the Condo Board believes is wholly insufficient. Accordingly, I advised Debtor's counsel that I will be proceeding to serve the subpoenas pursuant to the FRBP 2004 Order.

Should you have any questions or concerns regarding this matter, please do not hesitate to have your Chambers contact me. Thank you for your attention to this matter.

Respectfully yours,

/s/ Julie Cvek Curley
Julie Cvek Curley

JCC/

cc: Wendy Weathers, Esq. (*via Email*)